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John Parker

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EXAMINER

WALSH, DANIEL I

ART UNIT

PAPER NUMBER

2887

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/551,473 | <b>Applicant(s)</b><br>PARKER, JOHN |  |
|                              | <b>Examiner</b><br>DANIEL WALSH      | <b>Art Unit</b><br>2887             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9-30-05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4-25-08, 9-30-05</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-12, 14, 16-18, 21-26, 28 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Shintani (US 6137480).

Re claim 1, Shintani teaches means for requesting access, means for determining authorization is required, means for transmitting a search signal, means for receiving an authorization signal and providing access (abstract and FIG. 1-3 where authorization signals sent from the card contactlessly to the communication section are transmitted to the computer to authenticate a user to use the computer/data/files.

Re claim 2, col 3, lines 49+ teaches time period between a search signal and receipt of a authorization signal to determine access.

Re claim 3, if authorization is not received, the computer locks down, but requires no special steps for a user to log back in, and hence retransmits the search signal, such as by merely approaching the keyboard 3.

Re claims 7-9, as the security is built into the system, means for determining authorization is interpreted to be present upon power up and can include when access to selected

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applications is requested, such as data/files as discussed above, and is present periodically such as when the card is being queried to verify user proximity.

Re claims 10-12 (abstract) teaches activating a screen saver when a time period is exceeded, and wherein upon authorization would then be required. The second predetermined time period is determined by a user as “user” is broadly interpreted to mean a person, as the claim does not recite that the “user” is the “user of the system” for example. A user can be interpreted as someone who uses, and therefore the programming/determination of the second predefined time period is interpreted as being performed by a user (who created/implemented the timer).

Re claim 14, the limitations have been discussed above.

Re claim 16-18, the limitations have been discussed above.

Re claim 21-26, the limitations have been discussed above.

Re claim 28, the limitations have been discussed above.

Re claim 30, the limitations have been discussed above wherein the card is the module.

Re claim 31, the limitations have been discussed above.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 12, 13, 15, 26, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani, as discussed above.

The teachings of Shintani have been discussed above.

Re claims 13 and 15 and 27 and 29, though silent to radio signals, as non-contact cards are taught, the Examiner notes that RFID is well known and conventional in the art and the choice of such a particular well known technology for contactless communications is an obvious matter of design constraints, based on cost, desired form factor, range, security, convenience, etc.

5. Re claims 12 and 26, though silent to a user of the system determining the second predefined time period, the Examiner notes that it would have been obvious to one of ordinary skill in the art for a user to do so, in order to control the computing environment. For example, it is known in the art for users to specify time periods of inactivity that result in security measures such as password protected screen savers starting. It would have been obvious to have a user determine the predefined time period, analogous to enacting screen savers, in order to provide security (such as per the abstract).

6. Claims 4-6 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani, as discussed above, in view of Teicher et al. (US 20040123127).

The teachings of Shintani have been discussed above.

The Examiner notes that the use of manual logins is well known and conventional in the art. Nonetheless, Teicher et al. teaches (para 0073) that when automatic access is defined that manual authentication can be performed.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Shintani with those of Teicher et al.

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One would have been motivated to do this to provide a failsafe way (direct input) if wireless/radio/RF means is inoperable/fails, especially as Shintani has a keyboard. a PIN is a well known means of a password/personal identifier, and therefore is an obvious expedient for security.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1, 2, 3, 7, 8, 13, 14, 15, 16, 17, 18, 21, 22, 27, 28, 29, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kataoka (US 6515575).

Re claim 1, Kataoka teaches an apparatus for providing access to an electronic device comprising means for requesting access to the electronic device (authentication data, as per the abstract), means for determining that authorization is required in order that access be provided (powering or use of the device, as authorization is always required, when input is applied to 320), means for transmitting a search signal upon determination that authorization is required (radio transmitter 230), means for receiving an authorization signal (radio receiver 240) and means for providing access to the electronic device in dependence on the received authorization signal (through the access controller 210 and communication controller 310; see FIG. 2).

Re claim 2, Kataoka teaches means for determining a first time period between transmission of the search signal and receipt of the authorization signal wherein access is

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provided in dependence on the first time period behind less than a first predefined time period (second timer 300).

Re claim 3, FIG. 5 shows the limitations, s405 being a repeat check.

Re claim 7, power up of the electronic device includes determining that authorization is required, as authorization is required for access.

Re claim 8, when access is requested at 320, this is interpreted as access to selected applications.

Re claim 13, RF signals are taught (FIG. 2).

Re claims 14, 15, 16, 17, 18, 21, 22, 27, 28, 29, 30, and 31, the limitations have been discussed above.

9. Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka, as discussed above.

The teachings of Kataoka have been discussed above..

Though silent to powering up of the host computer 30, the Examiner notes that it is understood that authorization is always required after powering up of the device, and hence is interpreted as periodic (always on when the host computer is on/accessible).

10. Claims 4-6 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka, as discussed above, in view of Teicher et al. (US 20040123127).

The teachings of Kataoka have been discussed above.

The Examiner notes that the use of manual logins is well known and conventional in the art. Nonetheless, Teicher et al. teaches (para 0073) that when automatic access is defined that manual authentication can be performed.

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At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Kataoka with those of Teicher et al.

One would have been motivated to do this to provide a failsafe way (direct input) if wireless/radio/RF means is inoperable/fails.

A PIN is interpreted as a type of password/identifier.

11. Claims 1, 2, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 22-25, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Xydis (US 6070240).

Re claim 1, Xydis teaches an apparatus for providing access to an electronic device comprising means for requesting access to the electronic device (login), means for determining that authorization is required in order that access be provided (access requires authorization), means for transmitting a search signal upon determination that authorization is required (transceiver 20 scans for the user code of the user who logged in ), means for receiving an authorization signal (transceiver receives the transponder response code), and means for providing access to the electronic device in dependence on the received authorization signal (abstract, FIG. 2-FIG 3), with RF communications (re claim 13).

Re claim 2, Xydis teaches (abstract) that if the transponder is removed (not sensed in a time period greater than a specified time, that lockout mode is started, and hence this reads on the claim limitations.

Re claim 7, as authorization is always required in order to use the system, it is understood that powering up the system results in requiring the authorization (also see col 4, lines 56+). Therefore, as long as the power of the system is on, authorization is required.



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Re claim 8, as authorization is always required, this is interpreted to include selected applications.

Re claim 9, the Examiner has interpreted that once the system is on, means for determining that authorization is required is therefore present. Accordingly, col 4, lines 18+ teaches periodic performing of means for determining that authorization is required.

Re claim 10, as discussed above re claim 9, idle time is measured to see if a person is still at the system/computer.

Re claim 11, as discussed above, if the idle time is too long, authorization is required again.

Re claims 14, 15, 16, 17, 21-25, and 27-31, the limitations have been discussed above.

12. Claims 3, 9, 12, 18, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis, as discussed above..

The teachings of Xydis have been discussed above.

Re claim 3, the Examiner notes that Xydis is silent to retransmitting the search signal if the authorization signal is not received in a time period, as Xydis teaches merely timing out/error. However the Examiner notes it would have been obvious to one of ordinary skill in the art to repeat the request as it would not compromise the security (access would not be permitted until authorization) and it would permit convenience by not requiring special steps to be taken if a read was mistakenly unavailable. Such a change could be a matter of system constraints/security, being balanced with convenience. Merely repeating an authentication request therefore would have been obvious to one of ordinary skill in the art in order to try to attempt a read. Further, the Examiner notes that when Xydis teaches that an error message

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appears, and to “press space key for access” this can be interpreted as re transmitting when the signal is not received in the first time period.

Re claim 9, col 4, lines 18+ teaches that sensing for user code in the operating space can be for predetermined periods of sensing and non-sensing so as to reduce wear/tear, with respect to continuous sensing of an operating user. However, the Examiner notes that as to the initial power up of the system, Xydis teaches (col 4, lines 56+) that the space bar method can be used to reduce wear/tear but is silent to the periodic polling and non-polling. However, the Examiner notes that just as the case with a current user, the periodic polling and non-polling is obvious to one of ordinary skill in the art to have a near-continuous means of detection without the extent of wear/tear that one would have with a constant-on detection. The manipulation of the amount of time on/off would have been an obvious matter of design variation based on historic usage, power constraints, cost, etc.

Re claim 12, the Examiner notes that “a user” is sufficiently vague, and has interpreted the limitation to merely mean a person, as it is not recited what the user uses, or is a user of. Therefore, the examiner notes that it would have been obvious to one of ordinary skill in the art for someone to adjust the time. One would have been motivated to do this as a matter of design constraints in order to control wear/tear of the reader, to be in accordance with use characteristics of the users, etc., as an obvious expedient. Alternatively, as “user” has not been specified as a user of the apparatus, a “user” can be interpreted as the person responsible for programming the timer for the appropriate timing, and therefore obviously would have determined the time they set.

Re claims 18, 23, and 26, the limitations have been discussed above.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/  
Primary Examiner, Art Unit 2887